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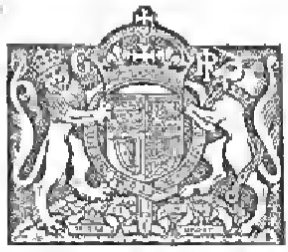

10/1/32

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

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PUBLIC DEPARTMENT.
(General.)

NOTIFICATIONS.

FORT ST. GEORGE, JANUARY 7, 1932.

No. 15.—The following Ordinance of the Government of India is republished :—

LEGISLATIVE DEPARTMENT

New Delhi, the 4th January 1932.

ORDINANCE No. III OF 1932.

An Ordinance to Provide against instigation to the illegal refusal of the payment of certain liabilities.

WHEREAS an emergency has arisen which makes it necessary to provide against instigation to the illegal refusal of the payment of certain liabilities ;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

Short title and extent.

1. (*1*) This Ordinance may be called the Unlawful Instigation Ordinance, 1932.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

Power to declare notified areas and notified liabilities.

2. (*1*) The Governor General in Council may, by notification in the *Gazette of India*, empower any Local Government to make declarations under sub-sections (*2*) and (*3*).

(*2*) A Local Government empowered in this behalf may, by notification in the local official Gazette, declare that any part of the province or the whole province shall be a notified area for the purposes of this Ordinance.

(*3*) Such Local Government may further, by the same or by subsequent notification, declare that in such notified area land-revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

3. Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability,

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of procedure.

4. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, V of 1898. 1898, an offence punishable under this Ordinance shall be cognizable and non-bailable.

(*2*) No Magistrate shall take cognizance of any offence punishable under this Ordinance except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of sub-inspector.

Power to collect an arrear of a notified liability as an arrear of land-revenue.

5. (*1*) Any person to whom an arrear of a notified liability is due may apply in writing to the Collector to realize it, and the Collector may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land-revenue, in accordance with the law applicable to the recovery of arrears of land-revenue in the area concerned.

(*2*) Nothing in this section shall prevent any person to whom an arrear of a notified liability is due from recovering it in accordance with the law applicable to the recovery of such arrear.

(*3*) No proceeding or order purporting to be taken or made under this section shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this section:

Provided that any person from whom an amount has been recovered under this section in excess of the amount due from him may recover such excess in accordance with law from the person on whose behalf the Collector has realized it.

WILLINGDON,
Viceroy and Governor General.

No. 16.—Whereas the Governor-General in Council has, by notification in the *Gazette of India*, empowered the Local Government to make declarations under sub-sections (2) and (3) of section 2 of the Unlawful Instigation Ordinance, 1932 (Ordinance No. III of 1932), now therefore in exercise of the powers conferred by the said sub-sections (2) and (3), the Local Government is hereby pleased to declare

(i) that the districts of Kistna, East Godavari and West Godavari in the Presidency of Madras shall be a notified area for the purposes of the said Ordinance; and

(ii) that in such notified area land-revenue, any sum recoverable as arrears of land-revenue, and any tax, rate, cess or other due or amount payable to Government or to any local authority shall be notified liabilities.

No. 17.—Whereas the body known as the Tinnevelly District Congress Committe has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement, and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Tinnevelly in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Tinnevelly District Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 18.—Whereas the body known as the Vizagapatam District Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Vizagapatam in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act,

1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920) the said Vizagapatam District Congress Committee, the said "dictator" and the saidpersons to be an unlawful associatmn within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 19.—Whereas in the opinion of the Local Goverment the Hindustan Seva Dal volunteers drilling and operating in the district of Ganjam in furtherance of the civil disobedience movement constitute an assoiation which is interfering and has for it object interference with the administratio of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920) the said Hindustan Seva Dal volunteers to be an unlawful assoiation within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 20.—Whereas the body known as the TirupatturTaluk Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of North Arcot in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920) the said Tirupattur Taluk Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 21.—Whereas the body known as the Madura Taluk Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Madura in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Madura Taluk Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 22.—Whereas the body known as the East Kistna District Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement, and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Kistna in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said East Kistna District Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 23.—Whereas the body known as the East Godavari District Congress Committee has appointed a "dictator"

to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of East Godavari in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said East Godavari District Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act

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No. 24.—Whereas the body known as the Lalgudi Taluk Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Trichinopoly in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Lalgudi Taluk Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 25.—Whereas the body known as the Kuppam Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Cuttoor in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Kuppam Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 26.—Whereas the body known as the Namakkal Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the district of Salem in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Namakkal Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 27.—Whereas the body known as the Madras Andhra District Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement

and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the City of Madras in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Madras Andhra District Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 28.—Whereas the body known as the City Congress Boycott Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the City of Madras in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said City Congress Boycott Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

No. 29.—Whereas the body known as the Madras Tamil District Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahis" or "volunteers" operating in the City of Madras in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Madras Tamil District Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

(By order of the Governor in Council)

G. T. H. BRACKEN,
Chief Secretary.

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